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Introduction

All praise is due to Allaah. We praise Him, seek His help, and ask His forgiveness. We seek reguge in Allaah from the evil of our souls, and the adverse consequences of our deeds. Whoever Allaah guides, there is none that can misguide him. And whoever He misguides, then none can guide him aright.

I bear witness that there is no deity that is worthy of worship exept for Allaah; He is alone, having no partners. And I bear witness and testify that Muhammad - sal Allaahu alayhi wa sallam - is His perfect worshipper and messenger.

The goal of this term paper was to give the Muslim woman a chance to see those Fiqh rulings that are specific to her in Hajj - since many a time her rulings are lost in the general discussion of how to perform Hajj. In the end one should have a general idea of those things that a woman differs in Hajj from men. They should be able to recognize differences in ritual worship between the women and men. And they - in sha' Allah ta'ala - should get a clear understanding of issues that are commonly differed upon.

After having been given the opportunity - alhamdullilah - to attend Hajj for a few years, the subject that came to mind to write about for this course of *Fiqh Al-Kitaab was Sunnah* was that of women in Hajj. Because of the lack of experience people, not specifically from North America, have with the rites of Hajj, I wanted to give the Muslim woman a chance to look specifically at those things which she needs to focus on and understand.

With the intention of writing a term paper that would elucidate the Fiqh rulings specific to women in Hajj, I went about organizing the topics under three chapters, the first dealing with Ihraam, and the second with ritual differences between the men and women.

In conclusion, all praise is due to Allah, subhaanahu wa ta'ala. All goodness is from Him - Jalla wa a'ala - and no matter how much we praise Allah it would not equal the blessings that He - subhaanahu wa ta'ala - bestowed upon us.

I thank the American Open University, with their diligent work in helping to carry the message of Islam to homes all across the United States and abroad, for giving me the chance to study this topic and benefit from it's contents.

And with special mention, I must thank my instructor Dr. Houcine Chouat who responded favorably to the idea of this essay being written in English, instead of the standard Arabic. May Allaah ta'ala reward him, and the entire administration at the American Open University, with the best of reward and may they find safety on a Day when no wealth or children will avail, only those that came with a sound heart.

And our final prayer is that to Allaah belongs all praise.

Muhammad Alshareef

Shawwaal, 1422

Chapter One: Ihraam

Should a woman shower upon entering the Meeqaat

It is equally part of the Sunnah for a woman to shower before Ihraam just as it is for a man. In fact, in the case of women who at the time may be experiencing Hayd or Nifaas, there is specific proof that she should take this shower.

Imam Muslim relates in his Saheeh that from Aisha - radi Allahu `anha - that she said, "Asmaa' bint `Umays had nifaas after giving birth to Muhammad ibn Abu Bakr. This happened at Ash-Shajarah (a place near the Meeqat outside of Madinah). So Allah's Messenger - sal Allaahu alayhi wa sallam - directed that she should bathe and begin the *tahleel*."

In this regard of showering before Ihraam, the menstruating woman is in the same ruling as one who finds herself in Nifaas. Rasul Allah - sal Allaahu alayhi wa sallam - said, "If the Menstruating woman and the one in Nifaas enter the time they should bathe and enter into Ihraam and complete all the rituals (like others) except Tawaf of the (Ka'bah)."

Showering

Abu Dawood and others narrated that Ibn Abbas - radi Allahu `anhu - asked Abu Ayyoob Al-Ansaari, "While he was in a state of Ihraam, how did Rasul Allah - sal Allahu alayhi wa sallam - wash his head?" Abu Ayyoob (who was bathing at the time) replied by asking someone to pour water on his head. He then rubbed his head with his hand, going back and forth. He then said, "In such a way I saw the Prophet - sal Allahu alayhi wa sallam - wash."

This narration is used by the scholars as proof that it is permissible for a male or female in Ihraam to take a bath and pour water over their head and to pass their hand through their hair.

If the bath is needed because of sexual impurity (Janaabah), then the scholars agree that it is permissible. Even if the bath is desired to just cool off or for other non-essential reasons, the majority of scholars say that it is permissible without any reservations.

Imam Ash-Shaafi'ee said - after narrating this incident about Abu Ayyoob Al-Ansaari, "This is the opinion that we hold. A Muhrim may take a bath whether it is due to sexual impurity or for other reasons. One may wash their head and soak their body with water."

However, some scholars have recommended that a woman should not shower unless it is necessary. This is because she is in Ihraam and busy with the actions of Hajj. In fact, to bathe during Ihraam is simply an issue of permissibility, but there is no one that says that it is recommended (Mustahab). To some scholars, it is more recommended to remain dusty and disheveled.

Imam An-Nawawee said, "It is more desirable that the pilgrim remain dusty and disheveled. The proof of this is the statement of Allah ta'ala [Then let them end their untidiness...] (22/29) and the statement of Rasul Allah - sal Allahu alayhi wa sallam: [Verily Allah boasts the people of Arafah to the inhabitants of the heavens, saying, `Look at my slaves - they have come to me disheveled and dusty.']"

Combing one's hair during Ihraam

It is Makrooh for a woman (or man) in Ihraam to aggressively comb their hair - causing excessive amounts of hair to fall out - or to brush un-necessarily. This is because doing so may lead to hair being cut - which is one of the forbidden acts when someone is in Ihraam.

As for brushing lightly or scratching one's head, this is permissible. There is a famous saying in the books of Fiqh where they suggest that someone should scratch with the insides of their hands - i.e. softly.

Imam An-Nawawee said, “As for a Muhrim (someone in the state of Ihraam), I do not know of any opinion that says he is not permitted to scratch his head. Rather, it is something permissible.”

There is a phenomenon amongst some women which works as such: They tie up their head very tightly and do not un-tie it until their Hajj is over. When they are in need of making Wudu, instead of wiping their hair they do wipe over their hijaab instead.

Shaykh Salah As-Saawee, one of the directors at the American Open University, commented that doing this is an example of someone placing a hardship upon themselves, a hardship that the Shari'ah does not require. He said that when a person combs their hair lightly or scratches, the person is not held responsible for the dead hairs that naturally come out.

The color of clothes a woman in Ihraam may wear

It is permissible for the woman to wear any women's clothes she pleases which are not attractive or resemble the clothes of men, or are tight-fitting showing the dimensions of her limbs, or transparent - not concealing what is underneath, or too short - not covering her legs or hands, but instead should be abundant, thick and wide.

Ibn al-Mundhir said, as quoted in al-Mughni:

> There is consensus among the scholars that the woman in Ihraam can wear shirts, vests, baggy trousers, khimaars, and leather socks.

She does not have to wear a particular color (such as green) and can instead wear any colors she desires from among those specific to women (such as dark red, green or black). It is also permissible for her to change these colors if she wishes.

Wearing Jewelry in Ihraam

It is permissible for women to wear jewelry while she is in a state of Ihraam. It was narrated in Al-Bukhaari, that Umm Al-Mu'mineen Aisha - radi Allahu 'anha - used to not consider anything wrong with a Muhrimah wearing jewelry.

In Al-Mughni by Ibn Qudaamah, he says, “I heard from Ahmad, who heard from Naafi' that the women (from the household) of Ibn Umar used to wear jewelry while they were in a state of Ihraam. Ibn Umar (seeing this) would not forbid them.”

Thus, it is apparent from the Madhhab of Imam Ahmad that it is permissible for a woman in Ihraam to wear jewelry.

This permissibility of wearing jewelry is also the opinion of the Hanafiyyah and Maalikiyyah. They quote as their proof - in addition to the above - the fact that wearing jewelry is an act of adornment and a woman in Hajj is not forbidden from adorning herself.

Covering the face

A woman in Hajj should not cover her face or wear gloves, just as a male should not cover his head. There is no difference of opinion on this issue, based on the clear statement of Rasul Allah - sal Allahu alayhi wa sallam, “The Muhrimah (a female in Ihraam) should not cover her face, nor should she wear gloves.”

Having said that, it is permissible for her to cover her face if she fears the gaze of non-Mahram men upon her.

It was narrated that Umm Al-Mu'mineen Aisha - radi Allahu 'anha - said, "The riders would pass by us while we were with Rasul Allah - sal Allahu alayhi wa sallam - in a state of Ihraam. When one of them would ride next to us, we would take our Jilbaab and cover (coming down with the cloth from our heads) our face. When the rider would pass, we would uncover once again."

Scholars have used this hadeeth to show that if a woman is in need of covering her face then it is permissible for her to do so.

However, the Shaafi'iyyah set a condition to this covering saying that the Niqaab should not touch the women's face. This was also the opinion of Al-Qaadee from the Hanaabilah.

In actuality, this condition does not have overall agreement from the scholars. Ibn Qudaamah said in regards to this condition, "I have not found this condition to be from (Imam) Ahmad, nor is it from the Hadith. In fact, reality contradicts this condition. For verily, the cloth that covers over a women's face, rarely does it remain un-touching to her skin. Had this been a condition (that it should not touch her face) the Prophet - sal Allahu alayhi wa sallam - would have explained it."

Refuting the claims of those who claimed that the condition of the women's Niqaab in Hajj is that it not touch her face, Imam Ash-Showkaani used similar arguments as that of Imam Ibn Qudaamah.

And Allah knows best.

Touching one's spouse intimately or non-intimately

If a male in Ihraam touches his wife with desire, or kisses her, then he would be obliged to pay the Fidyah (penalty) - and the same would go for women. This is the opinion of the Hanaabilah.

More so, the male is between two situations after touching his wife: either he releases some fluid or not. If he does not release anything, then the penalty for him is that he must slaughter a sheep. If he does release something, then he must slaughter a camel.

As for the women in this situation, then perhaps her situation is that of the males. Ibn Qudaamah said, "The women is just like the male in this respect."

The Hanafiyyah and Shaafi'iyyah said: It is Wajib for someone who kisses or touches his or her spouse with desire that they pay the fidyah - which is the slaughtering of a sheep. If they cannot find or afford the sheep, then they should alternatively either feed the poor or fast.

From what the Hanafiyyah and Shaafi'iyyah are saying, it seems that the same applies to women if they kiss or touch their husband with desire.

Chapter Two: Male / Female differences in Ritual Worship

What is the ruling of women performing Hajj without a Mahram?

There are five general conditions before Hajj becomes compulsory upon someone. They are that the person is Muslim, has reached the age of discernment, is of full mental capacity and is not a slave. Additionally, they must be capable of completing the journey to Hajj, both physically and financially.

Both males and females share these conditions. However, the Muslim woman has an extra condition before she can be held accountable for not performing Hajj and that is the accompaniment of a Mahram.

The statements of the scholars regarding this matter

The Shaafi'iyyah state that Hajj is not obligatory upon a woman until she finds a male Mahram relative or a husband or a group of trusted women. If she finds any of the previous three, it is obligatory upon her to perform Hajj. If she cannot find one of the three, she is not obliged to perform the Hajj.

The condition that the Shaafi'iyyah hold for a woman to perform Hajj is that she must be able to perform the journey securely. This security can be found when a husband or a Mahram or a group of trusted women accompanies her.

In the popular opinion of the Madhhab, it is permissible for a woman to perform Hajj if she finds only one trusted women to take the journey with. More so, they say it is permissible for her to travel alone if she shall be safe and she fears nothing on the road. This is how they understand the Ahaadeeth which forbid a women from traveling alone.

However, if she has already performed her first obligatory Hajj and this is a voluntary performance, then she is not permitted to travel alone - she must be accompanied by a husband or a Mahram. In this case, traveling with a group of trusted women is not permitted; this is the more correct position in the Madhhab.

The opinion of the Maalikiyyah is similar to that of the Shaafi'iyyah in that they allow a woman who does not find a Mahram or husband to travel with a secure group. They add that this secure group may be a group of men, a group of women, or a group made up of men and women.

In the Madhhab of Imam Ahmad, Hajj is not obligatory upon a women who does not find a mahram or husband to travel with her. In fact, Imam Ahmad specifically commented on this issue, as Abu Dawood states: I said to Ahmad, “A wealthy woman who does not find a mahram to travel with her to perform Hajj, is Hajj Waajib upon her?” He said, “No.”

They cited as proof for what the opinion that they took a selection of Ahaadeeth which we shall mention shortly.

The Hanafiyyah held an opinion similar to that of the Hanaabilah. They said that Hajj is not compulsory upon a woman who does not find a mahram or husband to travel with. In addition to the following ahaadeeth, they said that for her to perform Hajj without male assistance would expose her to situations that may very well harm her.

A Discussion of the Daleel

[The woman should not travel except accompanied by a mahram]

Hadeeth Adee in which the Prophet - sal Allaahu alayhi wa sallam - said to him “…if your life is prolonged, you shall live to see Adh-Dha'eenah (a woman) traveling from Al-Heerah (in Iraq) all the way until she performs Tawaf of the Ka'bah, fearing no one except Allah.”

They also cite Qiyaas. They compare a woman traveling alone to that of a woman who converts to Islam in the land of the Kuffaar. Or a Muslim woman who may have escaped from the clutches of the disbelievers - in both cases there is unanimous agreement that she is permitted to travel alone. So should the case be in her traveling alone to perform Hajj.

The Hanafiyyah and the Hanaabilah reject these proofs with the authentic ahadeeth that forbide a

woman from traveling alone. It is true, they say, that the hadeeth of Adee is authentic, but it was a statement of the Prophet - sal Allaahu alayhi wa sallam - that did not amount to him sanctioning the act. Rather, it was an account to Adee of what would happen in the future.

As Imam Ash-Showkaani said, it is more befitting to take the hadeeth to mean that such a thing would happen - not that it is permissible. This is so there would be no contradiction between it and the Ahaadeeth that forbid women from traveling alone.

Should a woman raise her voice when saying the Talbiyah?

The talbiyah is a chant that someone performing Hajj recites throughout his or her Hajj rites. It includes the words: [I am here, O Allah, I am here. I am here, there is no god but you, I am here. Verily, all praise and all blessings and all sovereignty belong to you. There is no god but you.]

It is a Sunnah to not only say this, but to chant it loudly.

As for women, they should not raise their voice above what is needed for them to hear themselves.

Ibn Al-Mundhir - rahimahullaah - said, “There is a concensus amongst scholars that the Sunnah regarding women is that they do not have to raise their voice when chanting the Talbiyah. All she is required to do is to raise her voice enough so that she can hear herself. This is the opinion of Ataa', Malik, Al-Awzaa'ee, Ash-Shaafi'ee, and it is also the opinion of the Hannabilah and the Hanafees. They feared that with her raising her voice, a fitnah make occur. For the same reason, it is not Sunnah for her to give the Adhaan for Salaah, nor the Iqaamah.”

Shaykh Al-Albaanee - in his book Manaasik Al-Hajj wal Umrah - said:

> In regards to the talbiyyah the ruling for the women is that of the men - as the two preceding hadith are general. They too should raise their voices as long, however, as there is no fear of fitnah.
>
> A'isha used to raise her voice until the men could hear her. Abu Atiyyah said: "I heard A'isha saying, `Verily I know how was the talbiyyah of Rasul Allah.' I heard her after that saying: Labbaikallaahumma labbaika..."
>
> And Qaasim ibn Muhammad said: Mu'aawiyyah went out at night and heard the voice of someone making talbiyyah, so he said: `Who is that?" It was said: "`A'isha, Mother of the Believers, making `Umrah from at-Tan'eem." So that was mentioned to A'isha so she said: "If he had asked me I would have told him."

What both men and woman perform equally in Tawaf

Firstly, the desirability of making dua'a, remembering Allaah, or reciting Qur'aan.

Secondly, the desirability of touching the black stone or kissing it if its possible, on condition that a woman does not crowd the men in doing so.

The same ruling applies to the Yemeni corner.

Thirdly, the permissibility of speaking if its necessary or with befitting speech.

Fourthly, the undesirability of eating or holding the urge to urinate, or pass wind, or having a strong

desire for food and other things of this nature.

The Difference in Tawaf between men and women

In general, the method of performing Tawaf is the same for men and women. The agreed upon rule is that what is mentioned concerning the men applies to the women so long as there is no specific proof which shows that her ruling is different.

To review the aspects of Tawaf that apply to both men and women, one may refer to the many Fiqh books on this subject. Our concern here is to illustrate the differences which are as follows:

Women should not jog in Tawaf

At the beginning of Tawaf, it is sunnah for the men to jog, known in Arabic as Raml, the first three circumbulations around the Ka'bah. The woman is not required to do this.

Ibn Al-Mundhir said, “There is consensus amongst the scholars that the woman should not jog in Tawaf. Instead, she should do the Tawaf walking.”

Al-Idtibaa' - uncovering the right shoulder

It is logically clear that a woman should not uncover her right shoulder when performing Tawaf. Imam An-Nawawee said, “Uncovering the right shoulder is Sunnah for the men and not permissible for the women. There is no difference of opinion on this matter.”

Nearing the Ka'bah

It is recommended that the women should not crowd themselves near the wall of the Ka'bah, crushing themselves in to the men. Instead, she should perform her Tawaf on the outer circles of the Tawaf, away from the crowd.

This is recommended as a protection for her. However, if she is performing Tawaf at a time when the crowd is light, she may draw as near as she can to the Ka'bah.

This ruling is based on an incident that happened in which Umm Salamah - the wife of Allah's Messenger, sal Allahu alayhi wa sallam - complained of a sickness. He instructed her to perform the Tawaf riding on a camel, behind the people.

Ibn Hajar, explaining this Hadith, said, “He instructed her such because the Sunnah for the women is that they should distance themselves from the men in Tawaf.”

Performing Tawaf at Night

The scholars mentioned that it is desirable for a woman to delay her Tawaf until night if she arrives in Makkah during the day. The reason, they say, is that this would be more protective for her and others since the crowd would be lighter at that time.

This ruling is illustrated by that which Imam al-Bukhaaree narrated from `Ataa' who said; Aisha - radiyAllaahu anha- use to perform tawaf away from the men, not crowding them. A woman said to her, “Let us go, O Umm Al-Mumineen, to touch the black stone.” Aisha declined until night came and then they went for tawaf. Whenever they wished to perform tawaf they stood there until the crowd of men would be on their way out.

However, if she feels that she may be nearing her monthly cycle, it is better that she performs the Tawaf as soon as she can so that she does not miss it.

Crowding to kiss the black stone

It is desirable that a woman should not crowd with the men to kiss the black stone. Instead, she should wave to it with her hand just like the person who cannot reach it.

Imam An-Nawawee said, “Our Ulumaa' have said that it is not desirable for a woman to kiss the black stone, nor to touch it, except at those times when the Tawaf area is light or empty, like during the night or at other times. This is because in her crowding the men it would bring hardship upon herself and hardship upon the men.”

The difference in Sa'ee between men and women

The method of performing Sa'ee, in general, is the same for men and women. However, there are basic differences in the etiquettes of Sa'ee between men and women.

Firstly: A woman in her Menses

As is explained in the books of Fiqh, it is not a must that a person be clean from sexual impurity (Janaabah) or, for women, her monthly period in order to perform Sa'ee. However this issue needs a little clarification.

According to the Hanafi school of thought, it is only permissible for a woman in sexual impurity or her menses to perform the Sa'ee if she has already performed the Tawaf in a state of purity. Meaning, if her menses started after the Tawaf then it is ok to continue with the Sa'ee.

However, scholars have disagreed with the Hanafi school of thought on this issue for the following reason:

It was narrated by Bukhari that Umm Al-Mu'mineen Aisha - radi Allahu 'anha - said, “I arrived in Makkah and at the time I was in my monthly period. I had not performed the Tawaf of the (Ka'bah), nor had I performed the (Sa'ee) between Safa and Marwah.” She continues, “I mentioned this to Rasul Allah - sal Allahu alayhi wa sallam - and he said to me, `Do as the Haaji (Hajj pilgrim) does other then performing Tawaf of the (Ka'bah) until you are clean.'”

In explaining this Hadith, Ibn Hajar said:

> As for the acceptability of performing Sa'ee before Tawaf, scholars of Hadeeth considered it permissible, citing as their proof the hadith of Usaamah ibn Shuraik in which a man came to the Prophet - sal Allahu alayhi wa sallam - and said, “I performed Sa'ee before performing Tawaf.” The Prophet - sal Allahu alayhi wa sallam - replied, “Perform Tawaf, there is no difficulty.”
>
> Thus, a woman in her menses may perform all the rites of Hajj other then the Tawaf. And she may perform the Sa'ee before her Tawaf in accordance with the Hadith of Usaamah ibn Shuraik and her Sa'ee with be correct and acceptable.
>
> Those that forbade the woman from performing Sa'ee until she first becomes clean of her menses, placed a condition on her has no basis. In reality, the proof we have mentioned rejects this opinion.

Raml, jogging, between Safa and Marwa

Imam Ash-Shaafi'ee said, “A woman should not jog between Safa and Marwah, nor should she uncover her arm like a man. This is because she is seeks coming closer to Allah by covering and protecting herself and jogging and uncovering would contradict that.”

However, according to the scholars of the Shafi'ee school of thought, there are two opinions on this issue.

The first, which is the opinion of the majority, is that she should not jog in the jogging area. Instead she should walk all through out the distance from Mount Safa to Mount Marwah - whether it be daytime or nighttime when no one is watching. This is because she is `Awrah and her fiqh is based on covering and protecting herself.

The second, which is held by a minority, is that if she is performing Sa'ee at night and there is no one watching, it is desirable for her to jog in the area of jogging.

This is also the opinion of the Hanbali school of thought. Ibn Qudamah stated in Al-Mughni: A woman should not jog in Tawaf or Sa'ee.

Women leaving Muzdalifah early

Spending the night in Muzdalifah on the eve of the 10^{th} of Dhul-Hijjah is just as much a part of Hajj for the women as it is for the men. When she leaves the plain of Arafah, she does as the male would do in Muzdalifah - that is, she should join her Maghrib and Isha at the time of Isha, remember Allah ta'ala and spend the night there.

Some scholars have noted that it is permissible for women who fear the crowd of Muzdalifah (and the predicted crowd at the Jamarat the next day) to leave early from Muzdalifah before Fajr. The default Sunnah however is that a person should wait until after Fajr - after the sun has come up bright - to move on to Mina.

Following is an example of the many Ahadeeth that were narrated regarding this issue.

Firstly: Bukhari narrated from Aisha - radi Allahu 'anha - who said, “(Umm Al-Mu'mineen) Sowdah sought permission from Allah's Messenger - sal Allahu alayhi wa sallam - to leave Muzdalifah before him (i.e. before Fajr) and before the crush of the people, because she was heavy. He - sal Allahu alayhi wa sallam - gave her permission.”

Secondly: Muslim narrated from Umm Habibah - radi Allahu 'anha - that the Prophet - sal Allahu alayhi wa sallam - sent her from Muzdalifah during the night (before Fajr).

Thirdly: Muslim narrated from Ibn Abbaas - radi Allahu 'anhu - who said, “Allah's Messenger - sal Allahu alayhi wa sallam - sent me with the weak folk from Muzdalifah during the night (before Fajr).”

Fourthly: Muslim narrated that Ibn Umar - radi Allahu 'anhu - used to take the weak of his family to Muzdalifah. They would stand at al-Mash'ar al-Haraam in Muzdalifah at night, remembering Allah. Then before the Imam would move out (from Muzdalifah) they would leave before him. Some of them would arrive in Mina before Fajr time (i.e. at Fajr time); others would arrive after that. When they would arrive, they would throw their Jamaraat. Ibn Umar would comment, “Allah's Messenger - sal Allahu alayhi wa sallam - granted permission to these people.”

Concerning the issue of leaving Mudalifah halfway through the night, Imam Ash-Shaafi'ee - rahimahullah - said:

> The Sunnah is that women and weak folk should move out of Muzdalifah before Fajr - after half the night has passed, so that they may throw their Jamaraat before the crowd arrives. This is based on the hadith of Aisha - radi Allahu 'anha - in which she said, “(Umm Al-Mu'mineen) Sowdah sought permission from Allah's Messenger - sal Allahu alayhi wa sallam - to leave Muzdalifah before him (i.e. before Fajr) and before the crush of the people, because she was heavy. He - sal Allahu alayhi wa sallam - gave her permission.”

This is also the opinion of the Hanbali school of thought. In Al-Mughni we read:

> It is all right for women and weak folk to leave Mudalifah early. From those who would allow their women and weak family members to precede them were AbdurRahmaan ibn `Owf and Aisha. This is the opinion of Ataa' and ath-Thowree and Ash-Shaafi'ee and Ashaab Ar-Ra'I (the Hanafees). We do not know anyone that differs with this opinion, as it is an opinion that carries facility for the women and weak folk and saves them from the hardship of the crowd, and it is also the permission of their Prophet - sal Allahu alayhi wa sallam.

Thus from the previous quotes we see that it was permissible for the women and weak folk to leave Muzdalifah during the night, i.e. before Fajr and before the crowd arrived after Fajr. Those that enter into this permission are the women and children and those in their situation. And Allah knows best.

How much hair should a woman cut when coming out of Ihraam

Shaving one's head is one of the rites of Hajj and Umrah. On this topic, the following verse praises the state of the Muslims: [with shaved heads and trimmed]

The Hanafiyyah have said: to shave one's head or to trim it is a Waajib aspect of Hajj. This is also the Madhhab of the Maalikiyyah who said: The shaving itself is Waajib, the trimming on the other hand is sufficient.

The Shaafiyyah state: Our Madhhab is that shaving is a rite that one is rewarded for performing - by performing it one leaves the first stage of Ihraam, the tahallul al-Asghar. Thus, according to this, shaving or trimming is a *rukn* by which Hajj or Umrah is not accepted until it is performed.

And according to the Hanaabilah, shaving or trimming is a rite from the rites of Hajj or Umrah. Thus according to them it is Waajib. In the book *Al-Uddah sharh Al-Umdah,* it states: … And shaving the head is Waajib because the prophet - sal Allaahu alayhi wa sallam - did it, this coupled with the Hadith, “Take from me your Hajj rituals.”

Having said that, the question that begs to be asked now is: which is better for a man, to shave his head or trim it, i.e. going bald or using a no.2 clipper? And how is this preference viewed in regards to women.

As for men, it is better for them to shave their head. The proof for this is the obvious order given in the verse [having shaved your heads and trimmed] because the Arabs would often begin with that which more important and preferred.

Also, this preference is based on the hadith in which the Prophet - sal Allaahu alayhi wa sallam - said, “Oh Allah, be merciful to those that shave.” They asked, “what about those that trim O Messenger of Allah?” He said, “O Allah, be merciful to those that shave.” They asked, “what about those that trim O Messenger of Allah?” He said, “And those that trim.”

And in another narration according to Muslim, he prayed for those that would shave three times and those that would trim once.

Even he - sal Allaahu alayhi wa sallam - shaved his head during Hajj, and no doubt, Allah would never choose for his Prophet anything other then that which is more preferred.

But having said that, there is no difference of opinion that it is permissible to choose trimming instead of shaving. In Saheeh Muslim with the explanation of Imam Nawawi it states: There is Ijmaa' (consensus) from theUlumaa' that shaving is better then trimming, but that trimming is permissible.

Does this preference of shaving apply to women

In al-Mughni, it states: There is no difference of opinion between the people of knowledge that the Sunnah for a woman is that she should only trim her hair and not shave. Ibn Al-Mundhir said, “The consensus (Ijmaa') of the people of knowledge is that a woman should trim and not shave. This is because shaving in a woman's case would be considered mutilation.”

And Ibn Hajar - rahimahullaah - said, “As for women, the Sunnah is that they should only trim their hair. There is Ijmaa' on this.”

How much should a woman trim of her hair

According to the Maalikiyyah, a woman should take from all her hair the span of an Anmulah (a fingertip span, about 1 centimeter), or a little bit more or less. Explaining this further, in Mawaahib Al-Jaleel Imam Maalik - rahimahullaah - said, “There is no set measurement according to us. Whatever a man or woman takes from their hair it will be sufficient.”

The Hanabilah said; A Woman should trim from her hair the span of an Anmulah. Said Abu Dawud: I heard someone ask Ahmad about whether a woman should cut from her entire head or not. He said, “Yes, she should join her hair together and then take from the ends of her hair the span of an Anmulah.”

An According to the Shafee'eeyah it is desirable for a woman to trim the span of an Anmulah from all sides of her head. Al-Maawardee said, “She should not trim from the sides of her head because that will mar her. Instead she should lift up the hair and cut from that which is underneath.”

Having said this, according to the Shafee'eeyah, all that is sufficient for both a man and a woman is three hairs whether they cut it or shave it. Nothing less than this is acceptable.

The Hanafeeyah said: What is meant by trimming is that a man or a woman should take from at least a quarter of the hair of their head, the span of an Anmulah. Meaning, they should take from all of that hair this measurement. They also said, it is wajib to cut a little more than the span of an Anmulah so that for sure at least an Anmulah was cut.

A woman receives her menses before her performance of Tawaf Al-Ifaadah

This issue which comes up very often is as such: What if a woman gets her Menses, has not performed her Tawaf Al-Ifaadah, and is in a situation where she has to leave Makkah. What should she do?

It needs to be said that being free from menses is a condition for a woman who wants to perform any Tawaf. Thus, with this in mind, if a woman performs Tawaf while in her menses her Tawaf will not be valid.

This is based on the authentic hadeeth that Umm Al-Mu'mineen Aisha - radi Allahu 'anha - said, “I arrived in Makkah and at the time I was in my monthly period. I had not performed the Tawaf of the (Ka'bah), nor had I performed the (Sa'ee) between Safa and Marwah. I mentioned this to Rasul Allah -

sal Allahu alayhi wa sallam - and he said to me, `Do as the Haaji (Hajj pilgrim) does other then performing Tawaf of the (Ka'bah) until you are clean.'"

This hadith makes it crystal clear that a woman in her menses cannot perform any Tawaf until she has completed her period. What she should do is wait in Makkah until she completes her period, washes up, and then goes and performs her Tawaf.

Her Mahram should stay with her during this time. This is based on the Hadith in which Umm Al-Mu'mineen Aisha - radi Allahu 'anha - said to Allah's Messenger - sal Allahu alayhi wa sallam - "Safiyyah bint Huyayy has received her period." He replied, "She may be blocking us from leaving (then). Did she not perform Tawaf with you (i.e. the women)?" Aisha said, "Yes (she did)." He said, "Then you may go."

On these lines, the scholars and the Muslims in the early generations would not leave Makkah until the menstruating women in their group got a chance to complete their period and perform Tawaf Al-Ifaadah. As the Prophet - sal Allahu alayhi wa sallam - said, ""She may be blocking us from leaving (then)."

Abu Hurayrah - radi Allahu 'anhu - used to say:

> An Ameer who is not an Ameer, who is it? It is a woman with a group of people who receives her period before performing Tawaf Al-Ifaadah. They, because of her, will be forced to stay until she completes her period and performs the Tawaf.
>
> But what happens if, due to circumstances out of her control, a woman cannot stay in Makkah until her period is over in order to perform Tawaf Al-Ifaadah? She would have one of three scenarios:
>
> One: She may cut off her Hajj and go home with no Hajj.
>
> Two: She may perform Tawaf even though she has her period because of the dire necessity she is in. Or...
>
> Three: If she leaves without performing Tawaf Al-Ifaadah then she would still be in Ihraam. Her husband would not be Halal for her until she returned to Makkah and made up the Tawaaf.
>
> Many scholars have debated over the solution to this problem. Perhaps the most merciful scenario and that which is closer to the principles of the Shari'ah is scenario two in which she performs Tawaf even though she has her period due to the dire necessity.
>
> Shaykh Al-Islam Ibn Taymiyyah gave the following Fatwa:
>
> > A woman in her period should do the Hajj rites that she is capable of. What she has no control over is forgiven - thus she may perform Tawaf (even though she is in her period). She should shower as she showers for Ihraam, in fact this situation is more deserving, and she should wrap herself tightly as she would during Istihaadah blood, in fact this situation is more deserving.
> >
> > This is what the texts (of the Qur'aan and Sunnah) point to, in addition to the principles of the Shari'ah. With this opinion no contradiction is made with Islamic principles.
> >
> > The texts point to Tahaarah being a Wajib aspect of Tawaf. Such as the statement of Allah's Messenger - sal Allahu alayhi wa sallam: "The menstruating woman should perform all the rites of Hajj except the Tawaf." This is a general Wajib.

But we know from the principles of Shari'ah that an issue is Wajib only if the person is capable of performing it. As Allah ta'ala says in the Qur'an [Thus, Fear Allah as much as you are able]. And as the Messenger of Allah - sal Allahu alayhi wa sallam - said, “If I command you with something then do what you are capable of.”

The most Tahaarah is in Tawaf is that it is a condition. At the same time we know that in Salah if a person is not able to be in a state of Tahaarah due to some external situation out of their control they are allowed to pray without it. Case in point: The Salah of a woman in Istihaadah or someone who cannot control their urine may perform Salah regardless.

If this is the case - where the conditions of Salah are forgiven when a person cannot fulfill them - then the conditions of Tawaf should also be forgiven when someone cannot fulfill them. In fact, the situation of Tawaf is more deserving of this ruling.

In any other solution (either she cancels her Hajj or tries to come back in the future, remaining in Ihraam until she does) there is a huge hardship on her. And hardship is cancelled in Shari'ah.

As for those who say she may perform the Tawaf in her state, but she must pay a penalty for it - our opinion is that there is no penalty. This is because the Wajib, if a person is not blame-worthy for not performing it, then there is no penalty upon them. This is different then when someone leaves a Wajib due to forgetfulness, or ignorance, or intentionally.

The menstruating woman did not leave this Wajib in this case due to a blame-worthy reason. She could not fulfill the Wajib due to her menses, which is something that does not begin according to her will and desire. Thus there is no penalty upon her.

Thus, if a woman has received her period before she has performed Tawaf Al-Ifaadah, she must remain in Makkah until she is clean and then go and perform it.

If in special circumstances and under dire necessity she needs to leave Makkah before completing her period, then according to some scholars - like Shaykh Al Islam Ibn Taymiyyah - she may perform her Tawaf even though she has her period and there is no penalty upon her. And Allah knows best.

Does a menstruating woman need to perform Tawaf Al-Wadaa'?

If a woman receives her menses before she has completed her Tawaf Al-Wadaa' (her farewell Tawaf) and she has already done her Tawaf Al-Ifaadah, then she may leave Makkah without performing the Wadaa'. There is no penalty for her to do this.

This is the opinion of the general body of scholars. This facilitation is proved by the authentic statement of Ibn Abbaas - radi Allahu 'anhu - in which he said, “The people were commanded that the last thing they do (in Makkah) is Tawaf, except for the menstruating woman the command was lightened.”

Moreover, in the hadith in which Aisha told the Prophet - sal Allahu alayhi wa sallam - about Safiyyah's menses, he asked her if she performed Tawaf Al-Ifaadah. When Aisha said that she had, the Prophet - sal Allahu alayhi wa sallam - said that they would not be held back. Meaning, she was allowed to leave Makkah without performing Tawaf Al-Wadaa'.

Also, there is no penalty upon a woman in doing this for the Prophet - sal Allahu alayhi wa sallam - did not make mention of any penalty upon Safiyyah.

Conclusion

The goal of this term paper was to distinguish the Fiqh rulings that are specific to women in Hajj. These rulings were divided and organized into two basic chapters, one dealing with the Ihraam of a woman, the other discussing the ritual differences between men and women.

We learnt that it is equally part of the Sunnah for a woman to shower before Ihraam just as it is for a man and that this ruling is not different for a woman in her Hayd or Nifaas. We learnt that showering during Ihraam was permissible and that a person may pour water on their hair and rub lightly their head.

Additionally, we learnt that she may wear any color of clothing, as long as it meets the Islamic standard of modest drees. And they may wear jewelry. She should uncover her face while in Ihraam, but if she fears the gaze of non-Mahram men upon her, she may cover her face as the wives of the Prophet - sal Allaahu alayhi wa sallam - used to do. And they should not touch their spouse with desire.

In the second chapter on male/female ritual differences, we learnt that a woman should not travel to Hajj without the company of a Mahram. She should not raise her voice excessively when saying the Talbiyah.

Concerning the Tawaf, she differs with the men in that she should do raml (jogging) for the first three circumbulations, she should not uncover her right shoulder, and she should not crowd the men in trying to get near the Ka'bah or to kiss the black stone. And it is desirable for her to choose a time when there will be a less crowded.

Regarding the Sa'ee, we learnt that being clean of menses is not a requirement, and that a woman may perform it even if she is in her menses. She is not required for her to run in the valley of Safa and Marwah.

We learnt that it is a Prophetic permission for the women and the weak folk to leave Muzdalifah early. Also, that shaving the head is only preferred for men and that women should not cut more then a centimeter of hair from the tips of her braids.

In detail, we discussed the situation of a woman who receives her Hayd before her performance of Tawaf Al-Ifaadah. She should wait until she completes her Hayd to perform it, and her Mahram should stay with her. If for dire circumstances she needs to leave Makkah, we learnt that some scholars gave the fatwa that she may shower, wrap herself tightly, and perform the Tawaf even with her menses. But this should only sought when the necessity is sincere.

And finally, we learnt that a woman who receives her menses before performing Tawaf Al-Wadaa does not have to wait in Makkah until she completes her menses. She may leave without performing it, as shown in the Sunnah of Rasul Allah - Sal Allaahu alayhi wa sallam.

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Bukhari, Kitaab As-Sayd, hadith 13.

Sunan Abee Dawood 5/286; See also Al-Mughni 3/326 and Nayl Al-Awtaar 5/6.

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Al-Bukhaari with Al-Fath 3/505

Al-Umm by Imam Ash-Shaafi'ee 2/176. The Raml that he is speaking about is a jog that the Prophet - sal Allaahu alayhi wa sallam - did in the valley between Safa and Marwah. Today, the beginning and end of that valley is marked by green lights.

Al-Majmoo' 8/84

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